

01/22/02

JCS41 U.S. PTO

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

JCS97 U.S. PTO
10/054388
01/22/02**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	16356.683 (DC-00959B)
First Inventor	Clint O'Connor
Title	PROCESS FOR CONFIGURING SOFTWARE AND HARDWARE IN A BUILD-TO-ORDER COMPUTER SYSTEM
Express Mail Label No.	EL 909640045US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 19]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 2]
5. Oath or Declaration [Total Pages 2]
- a. ☒ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 17 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS
Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Other: Transmittal, Check, and
Communication with Examiner.....

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)of prior application No.: 09 / 545,581

Prior application information:

Examiner Chavis, J.Group / Art Unit: 2122For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**18. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

000027683

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name	David L. McCombs				
Address	Haynes and Boone, L.L.P., 600 Congress Avenue, Suite 1600				
City	Austin	State	Texas	Zip Code	78701-3236
Country	USA	Telephone	214/651-5533	Fax	214/651-5940

Name (Print/Type)	Mark P. Kahler	Registration No. (Attorney/Agent)	29,178
Signature			Date <u>1/22/2002</u>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 1118.00**Complete if Known**

Application Number	to be assigned
Filing Date	Herewith
First Named Inventor	Clint O'Connor
Examiner Name	to be assigned
Group Art Unit	to be assigned
Attorney Docket No.	16356.683 (DC-00959B)

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 08-1394
 Deposit Account Name: Haynes and Boone, LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 740.00**2. EXTRA CLAIM FEES**

Total Claims: 27
 Independent Claims: 6
 Multiple Dependent:
 Extra Claims: 20** = 7 X 18.00 = 126.00
 - 3** = 3 X 84.00 = 252.00
 Fee Paid: 126.00 + 252.00 = 378.00

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 378.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00**SUBMITTED BY**

Name (Print/Type)	Mark P. Kahler	Registration No. (Attorney/Agent)	29,178	Telephone	512/867-8503
Signature			Date	1/22/2002	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Customer No. 000027683

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01-24-02

A

Docket No. 16356.683 (DC-00959B)
Customer No. 000027683

Jc997 U.S. PTO
10/054388



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: §
Clint O'Connor §
Serial No.: to be assigned § Group Art Unit: to be assigned
Filed: Herewith § Examiner: to be assigned
For: PROCESS FOR CONFIGURING §
SOFTWARE AND HARDWARE §
IN A BUILD-TO-ORDER §
COMPUTER SYSTEM §

BOX PATENT APPLICATION
Commissioner For Patents
Washington, D.C. 20231

TRANSMITTAL OF CONTINUATION APPLICATION

Dear Sir:

This patent application is a continuation of the copending, commonly assigned application entitled PROCESS FOR CONFIGURING SOFTWARE IN A BUILD-TO-ORDER COMPUTER SYSTEM (S.N. 09/545,581 filed April 7, 2000) which is a reissue application of U.S. Patent 5,894,571 issued April 13, 1999.

Enclosed are the following regarding the above-identified patent application:

1. Utility Patent Application Transmittal for Continuation Application;
2. Fee Transmittal (in duplicate);
3. Specification including claims and abstract (19 pages);
4. Two (2) Informal Drawing Sheets;
5. Newly executed Declaration;
6. Copy of Inventor Declaration from prior Reissue Application No. 09/545,581;
7. Information Disclosure Statement and PTO-1449 form;
8. Communication With The Examiner;
9. Application Data Sheet;

10. A check in the amount of \$ 1,118 .00 for filing fee;
11. A return postcard; and
12. This transmittal letter submitted in duplicate.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the papers submitted herewith or to credit any overpayment to Deposit Account No. 08-1394.

Respectfully submitted,



Mark P. Kahler

Registration No. 29,178

kahlerm@haynesboone.com

512/867-8503 (direct line)

Date: 1/22/2002
HAYNES AND BOONE, L.L.P.
8100 Bank of America Plaza
901 Main Street
Dallas, Texas 75202-3789
Telephone: 214/651-5533
Facsimile: 214/651-5940
A-125492.1

EXPRESS MAIL NO.: EL909640045US

DATE OF DEPOSIT: Jan. 22, 2002

This paper and fee are being deposited with the U.S. Postal Service Express Mail Post Office to Addressee service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231

CANDICE R ROCKETT
Name of person mailing paper and fee

Candice R. Rockett
Signature of person mailing paper and fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	
Clint O'Connor	§	
	§	
S.N.: to be assigned	§	Examiner: to be assigned
	§	
Filed: to be assigned	§	Group Art Unit:: to be assigned
	§	
For: PROCESS FOR CONFIGURING	§	
SOFTWARE AND HARDWARE IN	§	
A BUILD-TO-ORDER COMPUTER	§	
SYSTEM		

COMMUNICATION WITH THE EXAMINER

Commissioner For Patents
Washington, DC 20231

Sir:

This patent application is a continuation of the copending, commonly assigned application entitled PROCESS FOR CONFIGURING SOFTWARE IN A BUILD-TO-ORDER COMPUTER SYSTEM (S.N. 09/545,581 filed April 7, 2000) which is a reissue application of U.S. Patent 5,894,571 issued April 13, 1999.

REMARKS

In the present continuation application, care has been taken in drafting claims 1 – 27 to avoid the introduction of new matter. Support for these claims is found throughout

PATENT

Docket Number: 16356.683 (DC-00959B)

Customer No. 000027683

issued patent U.S. Patent 5,894,571 including, for example, Col. 4, lines 38 – 55 as one example. Further support is found in Col. 2, lines 39- 49. The cited disclosure also provides support for the Abstract and first three paragraphs of the Summary.

If the Examiner believes that prosecution of this patent application would be advanced by a verbal discussion, the Examiner is requested to give Applicant's attorney a telephone call at (512) 867-8503 (direct line).

Respectfully Submitted,



Mark P. Kahler

Registration No. 29,178

kahlerm@haynesboone.com

(512) 867-8503 (direct line)

Dated: 1/22/2002

HAYNES AND BOONE, L.L.P.

901 Main Street, Suite 3100

Dallas, Texas 75202-3789

Telephone: 214/651-5533

Facsimile: 214/651-5940

A-124818.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231	
on	<u>Jan. 22, 2002</u>
Date	
	<u>Candice R Rockett</u>
Signature	
	<u>CANDICE R ROCKETT</u>
Typed or Printed name of person signing Certificate	